

## Message Text

SECRET

PAGE 01 GENEVA 01259 01 OF 02 271459Z  
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 DODE-00 CIAE-00

INRE-00 ACDE-00 /026 W

-----057663 271504Z /47

P 271442Z JAN 78

FM USMISSION GENEVA

TO SECSTATE WASHDC PRIORITY 5210

INFO AMEMBASSY MOSCOW

USMISSION USNATO

S E C R E T SECTION 01 OF 02 GENEVA 01259

EXDIS

USSALT TWO

E.O. 11652: XGDS-1

TAGS: PARM

SUBJECT: AMBASSADOR EARLE'S STATEMENT OF JANUARY 27, 1978

(SALT TWO-1584)

1. THE FOLLOWING IS STATEMENT DELIVERED BY AMBASSADOR  
EARLE AT SALT MEETING OF JANUARY 27, 1978:

- STATEMENT BY AMBASSADOR EARLE
- JANUARY 27, 1978

MR. MINISTER:

I

TODAY I WILL RETURN TO THE SUBJECT OF ARTICLE XVI OF  
THE JOINT DRAFT TEXT WHICH DEALS WITH ADVANCE NOTIFI-  
CATION OF ICBM FLIGHT-TESTS.

II

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PAGE 02 GENEVA 01259 01 OF 02 271459Z

THIS MATTER HAS BEEN UNDER CONSIDERATION FOR SOME TIME  
AND THERE ARE A NUMBER OF AREAS OF AGREEMENT. THE SIDES  
HAVE AGREED THAT THERE WILL BE A PROVISION CONCERNING  
ADVANCE NOTIFICATION OF ICBM FLIGHT-TESTS; THAT SUCH A  
PROVISION WILL BE INCLUDED IN THE TREATY; AND THAT THE  
PROCEDURES FOR IMPLEMENTING THIS PROVISION WILL BE WORKED

OUT IN THE STANDING CONSULTATIVE COMMISSION.

HOWEVER, SUBSTANTIVE DIFFERENCES REMAIN WHICH REQUIRE RESOLUTION. THE UNITED STATES HAS PROPOSED A COMPREHENSIVE AND OBJECTIVE APPROACH TO THE QUESTION OF ADVANCE NOTIFICATION OF ICBM FLIGHT-TESTS. ON THE OTHER HAND, THE SOVIET PROPOSAL IS SELECTIVE AND USES A DISCRETIONARY STANDARD FOR NOTIFICATION WHICH WOULD DEPEND UPON A SUBJECTIVE INTERPRETATION FOR ITS IMPLEMENTATION.

- III

THE UNITED STATES BELIEVES THAT ADVANCE NOTIFICATION AS PROVIDED FOR IN ARTICLE XVI SHOULD CONTRIBUTE TO ENHANCED CONFIDENCE BETWEEN THE SIDES AND CLEARLY DEMONSTRATE OUR MUTUAL DETERMINATION TO AVOID POSSIBLE MISUNDERSTANDINGS. IN THIS CONNECTION, THE UNITED STATES BELIEVES THAT THE SUBJECTIVE STANDARD EMBODIED IN THE SOVIET PROPOSAL IS UNDESIRABLE. MISUNDERSTANDINGS COULD EASILY OCCUR SINCE ONE SIDE CANNOT ALWAYS CORRECTLY ANTICIPATE HOW ITS ACTIONS WILL BE PERCEIVED BY THE OTHER SIDE. A SUBJECTIVE STANDARD REGARDING THE NOTIFICATION OF INTRA-TERRITORIAL ICBM FLIGHT-TESTS COULD CREATE PRECISELY THE MISUNDERSTANDINGS AND UNCERTAINTIES THE SIDES SHOULD SEEK TO AVOID.

SECRET

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PAGE 03 GENEVA 01259 01 OF 02 271459Z

IN AN EFFORT TO RESOLVE OUR REMAINING DIFFERENCES, AND TAKING INTO ACCOUNT THE VIEWS OF THE SOVIET UNION, THE UNITED STATES IS WILLING TO AGREE TO EXEMPT FROM THE REQUIREMENT FOR ADVANCE NOTIFICATION THOSE PLANNED SINGLE ICBM FLIGHT-TESTS WHICH ARE LAUNCHED FROM DESIGNATED TEST RANGES, AND WHICH ARE NOT INTENDED TO EXTEND BEYOND THE NATIONAL TERRITORY OF THE PARTY CONDUCTING THE FLIGHT-TESTS. THE UNITED STATES CONTINUES TO BELIEVE THAT A PROVISION BASED UPON DISCRETIONARY ADVANCE NOTIFICATION OF ICBM FLIGHT-TESTS IS UNDESIRABLE AND THAT EACH ICBM FLIGHT-TEST OTHER THAN THOSE EXEMPTED SHOULD BE SUBJECT TO THE REQUIREMENT FOR ADVANCE NOTIFICATION. IT SHOULD BE NOTED THAT NOTHING IN THIS PROPOSAL IS INTENDED TO INHIBIT THE ADVANCE NOTIFICATION OF ANY EXEMPTED ICBM FLIGHT-TEST WHEN SUCH NOTIFICATION WOULD ENHANCE CONFIDENCE BETWEEN THE PARTIES.

- IV

THE UNITED STATES THEREFORE PROPOSES THE FOLLOWING REVISED LANGUAGE FOR ARTICLE XVI OF THE TREATY AND ACCOMPANYING AGREED STATEMENT:

- ARTICLE XVI

"1. EACH PARTY UNDERTAKES, BEFORE CONDUCTING EACH PLANNED ICBM FLIGHT-TEST, WHETHER FROM A TEST RANGE OR FROM AN ICBM DEPLOYMENT AREA, TO NOTIFY THE OTHER PARTY WELL IN ADVANCE THAT SUCH A FLIGHT-TEST WILL OCCUR.

2. THE PARTIES SHALL AGREE IN THE STANDING CONSULTATIVE COMMISSION UPON PROCEDURES TO IMPLEMENT THE PROVISIONS OF THIS ARTICLE.

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SECRET

PAGE 01 GENEVA 01259 02 OF 02 271501Z  
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 DODE-00 CIAE-00

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S E C R E T SECTION 02 OF 02 GENEVA 01259

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- AGREED STATEMENT

THE PARTIES AGREE THAT THE OBLIGATION PROVIDED FOR IN PARAGRAPH 1 OF ARTICLE XVI SHALL APPLY TO ALL ICBM FLIGHT-TESTS, EXCEPT FOR SINGLE ICBM FLIGHT-TESTS FROM DESIGNATED TEST RANGES WHICH ARE NOT PLANNED TO EXTEND BEYOND THE NATIONAL TERRITORY OF THE PARTY CONDUCTING THE FLIGHT-TESTS. THIS OBLIGATION SHALL INCLUDE THOSE ICBM FLIGHT-TESTS FOR WHICH ADVANCE NOTIFICATION IS REQUIRED PURSUANT TO THE AGREEMENT ON MEASURES TO REDUCE THE RISK OF OUTBREAK OF NUCLEAR WAR BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS, DATED SEPTEMBER 30, 1971, AND THE AGREEMENT BETWEEN THE GOVERNMENT OF THE UNITED STATES OF AMERICA AND THE GOVERNMENT OF THE UNION OF SOVIET SOCIALIST REPUBLICS ON THE PREVENTION OF INCIDENTS ON AND OVER THE HIGH SEAS,

DATED MAY 25, 1972. NOTHING IN THIS ARTICLE OR AGREED STATEMENT IS INTENDED TO INHIBIT ADVANCE NOTIFICATION OF ANY EXEMPTED ICBM FLIGHT-TEST WHEN SUCH NOTIFICATION

SECRET

SECRET

PAGE 02 GENEVA 01259 02 OF 02 271501Z

WOULD ENHANCE CONFIDENCE BETWEEN THE PARTIES."

- V

I UNDERSTAND THAT THERE IS A QUESTION WITH RESPECT TO THE USE OF "FLIGHT-TEST" OR "LAUNCH" IN ARTICLE XVI. I BELIEVE THE DRAFTING GROUP SHOULD ADDRESS THIS QUESTION WITH A VIEW TO AGREEING ON A MUTUALLY ACCEPTABLE TERM FOR USE IN THIS PROVISION.

- VI

MR. MINISTER, I BELIEVE THAT THE PROPOSAL MADE BY THE UNITED STATES TODAY FULLY TAKES INTO ACCOUNT THE VIEWS EXPRESSED BY THE SOVIET UNION AND SHOULD PROVIDE THE BASIS FOR RESOLUTION OF THIS ISSUE. I LOOK FORWARD TO YOUR RESPONSE. EARLE

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